

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

The examiner rejected previously submitted claims 41, 42 and 47 under 35 U.S.C. 112, second paragraph. Claims 41 and 42 have been amended so as to overcome the examiner's rejection. Accordingly, it is believed that all of previously submitted claims 40-47 comply with the formal requirements of 35 U.S.C. 112, second paragraph.

With regard to previously submitted independent claim 40, Applicant respectfully traverses the examiner's rejection. The examiner has now applied three references under 35 U.S.C. 103 in rejecting independent claim 40. The combination of references now applied by the examiner represents nothing more than a hindsight reconstruction based on Applicant's instant disclosure. The examiner has cited for the first time tertiary reference 4,008,006 and has used that in combination with the previously cited primary and secondary references. The examiner has applied a specific teaching from Bea in a manner which is improper. It is not proper for the examiner to select individual pieces of references outside of the total teachings of same and employ those teachings in an environment where the function of the elements are different from the function in the teaching reference. The only reason to combine the reference in the manner proposed by the examiner is Applicant's instant disclosure and this belies the concept of the whole clause of 35 U.S.C. 103. Accordingly, Applicant respectfully requests the examiner to reconsider his rejection of independent claim 40 and claims 41-47 which depend either directly or indirectly therefrom.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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I, Rachel Piscitelli, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on May 22, 2006.

